

FAMILY LAW SECTION, STATE BAR OF NEVADA

THE STANDARDS FOR

BOARD CERTIFIED SPECIALIZATION IN FAMILY LAW¹

1.0 DURATION OF BOARD CERTIFICATION OF SPECIALIZATION IN FAMILY LAW

1.1 Board Certification of Specialization in Family Law (hereinafter “certification” or “recertification”) shall be for a period of five (5) **calendar** years at the end of which time recertification shall be permitted upon the terms and conditions established in Section 10 below. Certification and recertification is individual and voluntary. The requirements for and benefits derived from certification may not be fulfilled by, or attributed to, a law firm of which the board certified attorney is a member.

2.0 DEFINITION OF FAMILY LAW

2.1 Family law is the practice of law dealing with those areas specified in NRS 3.223 as now stated or as may be changed from time to time, including but not limited to: domestic relationships; dissolution of marriage; division of community property and confirmation of separate property; taxation issues incident to family law practice; contempt and/or enforcement proceedings related to family law practice; mediation and/or negotiation of family law disputes; psychological and counseling aspects of family law; family law writ and appellate practice; marital agreements; certain nonmarital domestic relationships; child custody; child support; spousal support; and domestic torts.

3.0 EXPERIENCE REQUIREMENTS FOR CERTIFICATION

3.1 All applicants and board certified attorneys must be active members in good standing of the State Bar of Nevada and the Family Law Section, and must demonstrate substantial involvement and special competence in Nevada family law practice as set forth herein.

¹ These Standards were approved by the Board of Governors of the State Bar of Nevada on August 30, 2007.

3.2 Applicants whose residence and domicile is within fifty (50) miles of a county with a population is 100,000 or more, must during each of the five (5) years immediately preceding application, as measured on a time-spent basis, have devoted at least fifty percent (50%) of the total practice of a lawyer engaged in a normal full-time practice, to the practice of Nevada family law as defined in Section 2 above.

3.3 Applicants whose residence and domicile is fifty (50) miles or more away from a county with a population is 100,000 or more, must during each of the five (5) years immediately preceding application, as measured on a time-spent basis, have devoted at least thirty five percent (35%) of the total practice of a lawyer engaged in a normal full-time practice, to the practice of Nevada family law as defined in paragraph 2.1 above.

3.4 Applicants must demonstrate their substantial involvement and special competence in Nevada family law during the five (5) **calendar** years immediately preceding application by providing information to establish their involvement as:

3.4.1 Principal counsel in at least thirty (30) contested family law cases each **calendar** year **or a showing that an applicant can demonstrate substantial experience in complex family law matters each calendar year. If the applicant does not have 30 contested family law cases each year, the applicant must submit an affidavit that details the number of case, complexity of the matter, legal issues issued, and gross amount at issue;** and,

3.4.2 Principal counsel in at least ten (10) contested hearings or trials, within the definition of family law in Section 2 above, which are two (2) hours or more in length and involve testimony of witnesses;

3.5 In lieu of the provisions of paragraph 3.4.2 above, an applicant may establish alternative experience which the Board of Certified Family Law Specialists, as defined in Section 9 below, deems to substantially comply with the foregoing requirements, including but not limited to being:

3.5.1 Principal counsel in a minimum of sixty (60) negotiated family law judgments or negotiated marital settlement agreements, in which the adverse party was represented by counsel; or

3.5.2 Principal counsel and principal author of the brief(s) in three (3) Nevada Supreme Court family law appeals in which an opinion was filed.

3.6 “Principal counsel” as used herein, is defined as the attorney who spends a majority of the time on a case in the activities of preparation, review, filing and representation of a client throughout the pendency of the case at interviews or hearings.

3.7 All sitting judges and masters in family law divisions, or judges and masters in general jurisdiction divisions in which said judge’s or master’s caseload is at least thirty five percent (35%) family law matters as defined in Section 2 above, shall be deemed to have met the requirements of Section 3 during those years of service.

4.0 REFERENCES REQUIREMENTS FOR CERTIFICATION

4.1 To attest to the applicant’s expertise in family law, applicants shall submit the confidential reference form, approved by the Board of Certified Family Law Specialists, to the following individuals :

4.1.1. Not more than eight (8) Nevada attorneys who are familiar with the competence of the applicant and have been opposing counsel to the applicant either in litigation, hearing or negotiation of a family law matter, within the five (5) years immediately preceding application. At least five (5) of the eight (8) attorneys must attest to the applicant’s expertise and recommend certification of the applicant as a specialist before the application is approved. The applicant must identify in their application the attorneys to whom the confidential reference form was given.

4.1.2 Two (2) judges of any Nevada Court before whom applicant has appeared as an advocate in a family law matter and who are familiar with the competence of the applicant. At least one (1) of the two (2) judges must attest to the applicant’s expertise and recommend certification of the applicant as a specialist before the application is approved. The applicant must identify in their application the judges to whom the confidential reference form was given.

4.2 The individuals offering the references must be members in good standing of the Nevada Bar and be substantially involved in the practice of Nevada family law. The individuals offering the references may not be related to, or engaged in legal practice with, the lawyer seeking certification. Applicant may not submit reference forms to more than two (2) attorneys in the same firm. It is the applicant’s responsibility to ensure their references submit the forms directly to the Board of Certified Family Law Specialists for review. All reference forms shall be, and remain, confidential.

4.3 Sitting judges, senior judges, and masters shall be required to attain the number of approving attorney references as defined in 4.1.1 above. Said references shall be from counsel who have appeared in their individual court. Sitting judges, senior judges, and masters shall also be required to obtain the number of approving judicial references as defined in 4.1.2 above. Said references may come from any sitting judge whose docket is comprised of at least thirty-five (35%) family law cases.

5.0 CONTINUING LEGAL EDUCATION REQUIREMENTS FOR CERTIFICATION

5.1 Applicants must have completed an **average** of ~~fifteen (15)~~ **eighteen (18) hours** of Continuing Legal Education in family law (hereinafter “CLE”) ~~within each of the~~ **over the** ~~previous~~ **five (5)** calendar years immediately preceding application, as demonstrated by:

5.1.2 Attendance at and completion of CLE courses sponsored by the State Bar of Nevada, any county bar association in the State of Nevada, the Nevada Trial Lawyers Association, the American Bar Association, the American Academy of Matrimonial Lawyers or any chapter thereof including the Nevada Chapter of the American Academy of Matrimonial Lawyers; or,

5.1.3 Sufficient other comparable legal education activity in family law in lieu of CLE courses, to be determined on an individual **and discretionary** basis by the Board of Certified Family Law Specialists, which activity may include but is not limited to:

(a) Teaching a CLE course for attorneys or legal assistants in Nevada family law;

(b) Participation as a panelist, presentation at a symposium, or other similar program with respect to Nevada family law;

(c) **participation in any complex CLE program regarding family law by any organization not recognized by 5.1.2 that the Nevada Board of CLE approves for CLE credit;**

~~(c)~~(d) Authorship of a book or articles on Family Law matters published in a professional publication or journal; or,

~~(d)~~(e) Active participation in the work of a professional committee dealing specifically with issues or aspects of Nevada family law.

6.0 DISCIPLINARY REVIEW REQUIREMENTS FOR CERTIFICATION

6.1 Applicants shall be required to furnish a statement to the Board of Certified Family Law Specialists disclosing whether they are subject of any investigation, complaint, inquiry or other disciplinary proceedings by any organized bar, including any local, state or district grievance committee of an organized bar, together with the details of such investigation, complaint, inquiry or proceedings, and thereafter the results thereof. Said statement shall include an attestation as to whether they have ever been reprimanded, suspended, disbarred or otherwise disciplined by any court or grievance committee together with the details thereof.

6.2 Applicants throughout the certification process, and all board certified attorneys, shall be subject to a continuing duty to promptly furnish a statement to the Board of Certified Family Law Specialists disclosing if they become subject to an investigation, complaint, inquiry or other disciplinary proceedings by any organized bar, including any local, state or district grievance committee of an organized bar, and be required to provide the details of such investigation, complaint, inquiry or proceedings. The requirement herein is on-going and requires prompt mandatory supplemental disclosure without delay.

6.3 The Board of Certified Family Law Specialists may deny certification or recertification, revoke certification, or take other appropriate action on a finding of a grievance committee or court that an applicant or board certified attorney has committed professional misconduct. However, the committee will consider the seriousness or the underlying facts of the grievance, the passage of time since such discipline, the applicant's or the board certified attorney's experience since that time, and any other relevant factors. Failure to disclose such information shall constitute a material misrepresentation and may be cause for rejection, revocation, or other appropriate action.

7.0 PROFESSIONAL LIABILITY INSURANCE REQUIREMENTS FOR CERTIFICATION

7.1 All applicants for certification and recertification must carry professional liability insurance as set forth in Supreme Court Rule 198(3)(a)(iii), unless the lawyer's practice is limited to public law.

8.0 EXAMINATION REQUIREMENTS FOR CERTIFICATION

8.1 Once an applicant has been deemed to have fulfilled all of the requirements above, and has been so notified by the Board of Certified Family Law Specialists, the applicant shall be permitted to sit for the certification examination.

8.2 The grant of approval to sit for the examination shall entitle the applicant to sit for certification examinations offered within the subsequent three (3) year period, unless said period is otherwise shortened by the terms herein. If the applicant does not pass the certification examination within three (3) years of the date of approval, applicant must start the application process anew.

8.3 If an applicant has taken and failed the examination three (3) times during any period, the applicant shall be required to begin the application process anew before being entitled to take the certification examination again, and shall be ineligible to reapply for certification for a period of the three (3) years from the date of notification of the last failed exam.

8.4 The certification examination may test applicants on their knowledge of family law, including each of the subjects set forth in Section 2 above, any related Nevada family law statutory authority, case law, topics or other issues related to the practice of family law, and any relevant state or federal guidelines and/or legislation. The exam may also test applicants on ethical issues related to the practice of family law and/or as set forth in the Bounds of Advocacy.

8.5 The test shall be objective in nature and be and shall include at least 50, but not more than 200 multiple choice questions, on which the applicant must receive a score of at least 85% to pass.

9.0 BOARD OF CERTIFIED FAMILY LAW SPECIALISTS

9.1 The Executive Committee of the Family Law Section of the State Bar of Nevada shall appoint the members of the Board of Certified Family Law Specialists for the purpose of maintaining compliance with the requirements of the Nevada Board of Bar Governors Rules for Attorney Specialization and any applicable Supreme Court Rules, and for administering the certification and recertification process on a reasonable and objective basis, including the review of each application for compliance with the requirements herein, and the preparation, administration and objective grading of the certification examination.

9.2 Individuals holding membership in the Nevada Chapter of the American Academy of Matrimonial Lawyers, at the time of the preliminary approval of these standards by the Board of Governors on February 23, 2005, shall be deemed to have sufficiently demonstrated special knowledge, skill, and proficiency in family law, and shall be deemed to have complied with and met all of the certification standards and requirements enumerated above, and shall therefore be deemed to be Nevada Board Certified Family Law Specialists. The first Board of Certified Family Law Specialists may be appointed from among this group

by the Executive Council of the Family Law Section of the State Bar of Nevada, to carry out the requirements of the Board of Certified Family Law Specialists, as defined in paragraph 9.1 above.

9.3 All members of the Board of Certified Family Law Specialists must be Nevada Board Certified Family Law Specialists.

9.4 The Nevada Board of Certified Family Law Specialists shall have the authority to review the certification and recertification process and requirements, and the obligation to make recommendations for appropriate changes from time to time, subject to any restrictions and/or conditions imposed by the Executive Council of the Family Law Section of the State Bar of Nevada and subject to the approval of the Nevada Board of Bar Governors.

10.0 REQUIREMENTS FOR RECERTIFICATION

10.1 An applicant for recertification, who has not retired from the practice of law, must show that during the immediately preceding five (5) year certification period he or she has participated in a total of fifty (50) of the following proceedings in any combination:

10.1.1 Contested hearings or trial proceedings under within the definition of family law, section 2.0 of these standards, which are two (2) hours or more in length and involving testimony of witnesses.

10.1.2 Negotiated or mediated family law judgments, property settlement agreements, marital settlement agreements, post judgment orders and/or appeals;

10.1.3 Acted as mediator, arbitrator, evaluator, or special master in any of the proceedings delineated in section 2.0 of these standards.

10.2 Compliance with paragraph 10.1 above, may be demonstrated by sworn statement that the applicant has engaged in the practice of family law substantially to the same extent as described in the application for original certification.

10.3 Recertification applicants must also complete seventy five (75) hours of CLE in family law, as defined in paragraph 5.1.2 above, by time of the application for recertification prior to the end of the fifth year of certification.

10.4 Recertification applicants must also certify their compliance with the provisions of Sections 6 and 7 herein.

10.5 The failure to apply for recertification in a timely fashion will cause a lapse in certification. Following such a lapse, recertification will require compliance with all conditions for certification as described herein, including the examination

10.6 If certification has been revoked at any time, then recertification may only be obtained by completing the process for initial certification.

11.0 FEES

11.1 Applicants and Board Certified Family Law Specialists shall timely pay the fees established from time to time by the State Bar of Nevada, the Board of Governors and, on the terms set forth below, the Board of Certified Family Law Specialists, including but not limited to application fees, filing fees, examination fees, certification fees, recertification fees and any maintenance fees.

11.2 In addition to any fees of the State Bar related to said certification or recertification as described above, the Executive Council of the Family Law Section of the State Bar of Nevada may, with the approval of the Nevada Board of Bar Governors, may establish reasonable additional fees in such amounts deemed appropriate but not to exceed \$1,000 for the application, examination and certification process, as well as a fee not to exceed \$500 annually for Board Certified Family Law Specialists. Said fees shall be designated for use in the administration and implementation of the provisions herein and so that the process for certification and/or recertification may be accomplished without any expenditure in excess of the fees described in this subsection. Said fees may be adjusted from time to time by the Executive Council of the Family Law Section, subject to the approval of the Nevada Board of Bar Governors.

12.0 FAILURE, TO FURNISH INFORMATION; MISREPRESENTATION

12.0 Certification or recertification may be denied because of applicant's failure to furnish requested information or documentation, or because of misrepresentation of any material fact.

13.0 WAIVER OF APPEAL

13.1 Any applicant who is not permitted to sit for the examination shall be provided prompt notification in writing of the same, including a specific written statement defining why said applicant was not permitted to take the examination. Any individual who has been denied certification or recertification shall be provided prompt notification in writing of the

same, including a specific written statement defining why said certification or recertification was denied.

13.2 Any individual who has been denied certification or recertification, or whose certification is revoked, may not apply for certification or recertification until one year after the date of such denial or revocation.

13.3 Decisions of the Board of Certified Family Law Specialists are final and not subject to further review or appeal, other than as required or specifically permitted by the Nevada Board of Bar Governors.